

ERIC KELLEY,)
Plaintiff,)
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V.) # 04-11192-RCL
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SHERIFF DiPAOLA, et al.) PLAINTIFFS AMENDMENT OF THE
Defendants) COMPLAINT.

NOW COMES, The plaintiff in the above matter pursuant to Civil Judicial Rules (Rule 15) and amends his complaint to add (2) two defendants and other allegations of violations of his Constitutionally protected rights.

The newly named defendants are Sgt. Flynn and Officer Thurmond Hall. The allegations are as follows;

Amend. #1; Sgt. Flynn the defendant at all times mentioned has worked in unison with Attorney Lee Gartenburg to obtain the plaintiffs legal work and out-going mail. Gartenburg demands that the plaintiff gives Flynn plaintiffs personal LEGAL mail and documentation. Flynn reviews them in a breach of confidentiality manner. Rather than allowing the plaintiff to give his legal materials to the paralegal Stephanie Kean, who is the most zealous, effective, competent representative of the legal Div. (Miss Kean is NOT a defendant). This plaintiff finally had Sgt. Flynn sign for some legal type missives. (See exhibit).

Sgt. Flynn has read the plaintiffs pleadings and refused to allow him to converse with Paralegal Kean.

KELLEY V. DiPAOLA (amendment continued)

Amend. #2; Officer Thurmond Hall the defendant at all times mentioned continuously and intentionally opens the plaintiffs in-coming legal mail. Hall states that " as long as there is no Attorney Confidential marker " I will open it."..... This violative inspection is illegal. Hall has an obligation as the mail room officer to acknowledge the return address to determine if said mail is legal. Hall has opened mail from but not limited to;

- 1) The United States District Court.
- 2) Attorney Eva Clark.
- 3) State House.
- 4) Senator Dianne Wilkerson.
- 5) Office of the Attorney General.

Defendant Halls action could be constituted as criminal and in direct violation of Federal mail mandates.

Amend. #3; Attorney Lee Gartenburg has violated this plaintiffs rights to confidentiality. He is a defendant (Legal Dept.) along with Atty. John Goggin. Atty. Gartenburg had an intern ("Katlynn") present while this plaintiff talked to; The clerk of courts in both his civil and criminal matters, experts in his criminal matters about defense issues, lawyers in his criminal matters, and psychologist about some very sensitive confidential issues.

Amend #4; The defendants are also in violation of the following **MINIMUM HEALTH AND SANITATION STANDARDS REGARDING CORRECTIONAL FACILITIES 105 CMR 451.000**

see next page and highlighted exhibits.

These issues are in addittion to the current allegations in the original complaint.